

# Foulden Parish Council

## MINUTES

Extraordinary Parish Council Meeting held at Foulden Village Hall

**To consider the Parish Council's response to proposed footpath across the Recreation Ground in relation to Planning Application 3PL/2017/1603/O**

**23<sup>rd</sup> November 2018 at 7 pm**

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Present: Mr. Stephen Parker; Mr. Stephen (Billy)Pye; Mr. Mike Cross;  
Mr. Richard Cooper; Ms. Marianne Christian; Mr. Neil West  
  
Mrs. Kathryn Cross (Parish Clerk)  
  
In attendance: 18 parishioners

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1. The Chairman welcomed everyone and advised that the meeting would be recorded to assist with notes. He explained that the meeting had been called today to consider a single issue:

***'Is the Parish Council in favour, in principle, of a footpath around the Recreation Ground linking both School Road and Upton's Way to the Recreation Ground through to the Village Hall, should the proposed development get planning permission'.***

The Chairman to give a quick summary of the current situation and then take comments from the public. He asked that anyone wishing to speak identify themselves and declare any interest they may have in the subject.

Finally, he will be asking the Parish Council's views and will take a vote on whether the Parish Council agrees in principle for the footpath.

2. **Apologies for absence:** Jayne Winterbone (Parish Councillor) and Mike Nairn (Councillor for Breckland).
3. **To Receive declarations of interest from members in any items to be discussed:**  
None.
4. **Update of current situation of footpath only:** The developer has submitted proposals for 21 houses. Highways expressed concern about links to Primary School,

the Village Hall and possibly pedestrian provision. A consultation was held earlier in the year with the developers and architects in the Village Hall.

Subject to that, the development plans were updated and a proposal put forward to build a footpath through the development from School Road to the Recreation Ground and on to the Village Hall. Subsequently, this has been extended for the footpath to start at Uptons Way.

This was discussed at a Parish Council meeting on 12<sup>th</sup> November when it was decided there was not enough information to make a decision in principle and the developers were asked to come back with more detail. They have now submitted updated plans.

The developers have advised that, without having an agreement in principle, this is as far as they can go. Therefore the Parish Council will need to make a decision based on the information to hand. Key decisions to be made now:

- i. There will be ongoing maintenance, not only to the footpath itself, but also to fencing, lighting and electricity to the lighting. This will have to come from the village Precept which would have to increase slightly to cover this.
- ii. Is a footpath desirable? Would access from School Road and Uptons Way be sufficient to benefit all?

At this stage, the Chairman was going to ask Councillor Nairn for his comments, but in his absence he put this out to the public, asking them to identify themselves.

Mr. Knowles lives next door to the development and feels that, unless there is a written agreement from the developer or from Breckland, we won't get the footpath in accordance with the village's conditions.

The developer, Mr. Ian Hales, responded that this would be covered under S.106 which is a legal obligation and therefore completely enforceable.

Marianne Christian commented that this had not been identified in the original application, it only mentioned the contribution to the library and early years, nothing about the footpath. Mr. Hales confirmed that this is why it is going back to committee on 17<sup>th</sup> December – to clarify that position.

Mr. Hillyard of Vicarage Road would like to ask the developer if he will be granting right of way through the development. He would like to see that included in the application. The Chairman agreed that there would be no point in having a footpath if there was no right of way from School Road, through the new development.

Mr. Hales is not an expert in this area but agreed that there would be little point in having the footpath if nobody could use it. He stated that this would have to be covered in S.106. He understands that the existing gate through to Uptons Way

from the Recreation Ground has to be shut and locked once per year by the Trustees of the land to ensure no public right of way is established.

Mr. Hillyeard also queried the type of fencing.

Mr. Hales stated that this would not be the developer's decision. This is to be in agreement with the Parish Council; likewise, the surfacing. Until there is an arboricultural report specifying what types of surfaces could be used taking into consideration tree roots etc, he is unable to comment as it is not within his expertise. With regard to lighting, this would also be in agreement with the Parish Council. In the past he has found that different councils require different levels of lighting, so this is another area for discussion and inclusion in the S.106.

Mr. Fletcher from Vicarage Road stated that his only concern would be the lighting as the footpath would run directly down the side of his property. He would not want column street lights flooding the back of his property.

Mr. Hales responded that developers are aware of these problems and do not advocate column lights for light pollution reasons, therefore low-level lighting would be considered.

Mrs. Pye asked what type of fencing would be used. Wooden fencing would just be knocked to pieces; she also feels that it needs to be higher than 3ft – it would need to be at least 5ft;

Mr. Hales stated that this, again, would be up to the Parish Council, although he would argue against a 5ft fence.

Mr. Pye feels the fence must be high enough to stop dogs going onto the recreation ground. If fence is only 3ft high people will just put their dogs over it. Mr. West and Mr. Hales pointed out that there will be three gates in the fence which would make access for dogs just as easy if the owners had that intention.

The Chairman stated that there are three options:

- 1) Nothing is done, and no access is provided on to the recreation ground.
- 2) A footpath is provided
- 3) Access only is created through the new development and from Uptons Way.

The Chairman asked the floor who would be in favour of a full footpath through the recreations ground from Uptons Way and from School Road, through the development. Nobody in favour.

He asked who would be in favour of access only from the School Road development in addition to the present access from Uptons Way, but without the footpath? Nobody in favour.

The Chairman then asked who would be in favour of no new access and no footpath. Approximately half the parishioners present raised their hands.

Mr. West pointed out that the original plans did not have access from the development. Shortly prior to going to committee the plans were amended and did show access, but that was purely just access from the development to the recreation ground. At the planning meeting we were informed that the developer was offering to put the footpath from the development across the recreation ground to the Village Hall.

The Chairman asked the Parish Councillors around the table for their opinions.

Richard Cooper feels that a footpath would give easier access for people with wheelchairs, prams etc. to the Village Hall. Presently, Vicarage Road is very dangerous to walk along as there are no paths. He would be in favour in principle of the footpath.

Marianne Christian agrees with Richard Cooper in terms of equal opportunities for the disabled and parents with buggies, etc. to get from one end of the village to the other.

Neil West agreed that it would be beneficial for people who live in Walnut Close, Uptons Way, that end of School Road and other area on that side of the village.

Mike Cross is in agreement that there probably ought to be something and is not against having a footpath but goes back to the question earlier of why the developer is providing this at all, especially as it will be expensive. He suspects that it is because they may not get the planning application through if it is not provided?

Mike Cross also pointed out that the plans were changed last minute and the first anyone had heard about the footpath was at the planning meeting. Nobody in the past has considered a footpath because of the ongoing maintenance expense and the question needs to be asked why the developer is doing it when it is going to cost so much money? The onus has now been put back to the Parish Council and the villagers, when this is not something they wanted in the first place, the developer decided to do this and now it is as though they are providing something at the request of the village.

Mr. Hales feels that it would make little or no difference to the application. He responded that it seemed the logical thing to do. The Police like footpaths and it seemed an ideal opportunity to provide one. The developer is happy to do that, but they will not have the ongoing maintenance – it therefore has to be the Parish Council's decision.

The Chairman referred to the Highways report following the planning meeting on 2<sup>nd</sup> July where it states

*“whilst immediate Highway network adjacent to the site may be suitable to cater for additional two-way traffic, the wider network including links to the catchment primary school, links to the Village Hall and links to the strategic highway network is inadequate by reason of the restricted width, lack of passing provision and inadequate pedestrian provision”.*

In response to the comments the developers submitted amended plans which demonstrated that a footpath would be provided across the front of the site with amended layout of plots 20 and 21 to provide footpath access through the site on to the village playing fields.

The Chairman therefore believes that the instigator for this footpath provision was probably the Highways.

Mr. Hales stated that the original request for the footpath was from either the planners or the Council and from the report that had just been read out it seemed the logical thing to do. He grew up in the village and his sister and brother-in-law’s children play down at Nanny’s. Presently, all the children have to make their way along Vicarage Road where there is a long sweeping blind corner. With the new estate it seemed a good idea to have a footpath. It will provide a safe route from the end of the village where they are doing the barn conversion at the moment, by the pub, Uptons Way and all along that stretch of School Road to the Village Hall.

The Chairman asked Mr Hales to clarify that, should the pathway go ahead, the developer would make good the existing link from Uptons Way to the Recreation Ground which is presently unmade and muddy; also to provide a street light there if required. Mr. Hales agreed that this would be brought up to the same spec as the rest of the footpath.

Mr. West questioned who owned that footpath? Mr. Cooper stated that the path has always been there, nobody seems to know who owns it. It is assumed the pathway was put in when the houses were built in Uptons Way. There is a gate at the Recreation Ground end of the pathway, which Fields in Trust will have installed in order to exercise their right to have the access locked once per year to avoid an assumed public right of way, which would reduce the value of the land.

The Chairman announced that, at this meeting, all the Parish Council can do is to decide whether or not they can approve the pathway on the Recreation Ground, they are not in a position to give permission for the extra bit of pathway from Uptons Way, although if the developer is willing to do that then it would be an added benefit.

Mr. West wished to make it clear that a decision would be made following further consultation with the residents of Foulden because the problem with having too much detail in the agreement in principle is that there are several different opinions and we may fail to achieve something that satisfies everyone’s wishes.

The Chairman therefore asked for a show of hands from the Councillors re. the following:

***“Is the Parish Council in favour of an agreement, in principle, to allow the provision of a pathway across the Recreation Ground, subject to confirmation of the final detail in relation to route, construction and any mitigating provisions to the satisfaction of the trustees and Charity Commission and following consultation with the residents of the village of Fouldeu”.***

Passed by 4 votes to 1.

The meeting closed at 7:28pm